

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| | | |
|----------------------|---|--------------|
| MARCUS SCOTT | : | CIVIL ACTION |
| | : | |
| v. | : | |
| | : | |
| LOUIS FOLINO, et al. | : | NO. 09-1576 |

ORDER

AND NOW, this 22nd day of October, 2010, upon careful and independent consideration of the Amended Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 (Docket No. 11), and all attendant and responsive briefing, and after review of the Report and Recommendation of United States Magistrate Judge Arnold C. Rapoport, and consideration of Petitioner's objections thereto, **IT IS HEREBY ORDERED** as follows:

1. Petitioner's Objections to the Report and Recommendation are **OVERRULED**.
2. The Report and Recommendation is **APPROVED** and **ADOPTED**.¹
3. The Petition for Writ of Habeas Corpus is **DISMISSED**.
4. Because Petitioner has failed to make a substantial showing of the denial of a constitutional right or demonstrate that a reasonable jurist would debate the correctness of this ruling, the Court declines to issue a certificate of appealability under 28 U.S.C. § 2253(c)(2).

¹Petitioner's objections to the Magistrate Judge's Report and Recommendation present no new issues. The issues the objections raise have been fully and correctly addressed by the Report and Recommendation which is now approved and adopted.

5. The Clerk shall **CLOSE** this case for statistical purposes.

BY THE COURT:

/s/ John R. Padova

John R. Padova, J.